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Nos. 80-939 and 80-1129

In the Supreme Court of the United States

OCTOBER TERM, 1980

FEDERAL ELECTION COMMISSION, PETITIONER,

v.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,
RESPONDENT.

NATIONAL REPUBLICAN SENATORIAL COMMITTEE,
PETITIONER,

v.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,
RESPONDENT.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

JOINT APPENDIX

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PETITION FOR CERTIORARI IN NO. 80-939
FILED DECEMBER 10, 1980
PETITION FOR CERTIORARI IN NO. 80-1129
FILED JANUARY 6, 1981
CERTIORARI GRANTED MARCH 2, 1981

In the Supreme Court of the United States

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FEDERAL ELECTION COMMISSION, PETITIONER,

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CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

United States District Court for the District of Columbia:

July 30, 1980	Complaint; appearance.
July 30, 1980	Summons (3) and copies (3) of complaint issued.
July 31, 1980	Motion of plaintiff to shorten time for filing of responses and for expedited consideration.
July 31, 1980	Motion of plaintiff for summary judgment; statement of material facts; memorandum of points and authorities, index, table of authorities, affidavit of Tom Baker, exhibits 1-4.
August 7, 1980	Affidavit of Service by Roger Whitfield as special process server upon defendant Federal Election Commission on 7-30-80.
August 18, 1980	Stipulation filed 8-14-80 extending time for defendant until 8-20-80 to file an opposition and cross-motion for summary judgment, approved. June L. Green, J.
August 18, 1980	Motion of defendant for summary judgment, statement of material facts, statement of genuine issues in response to plaintiff's statement of material facts, memorandum, index, exhibits 1, 2 and 3.
August 18, 1980	Status Call: hearing set for 8-22-80 at 2:00 P.M. June L. Green, J.
August 21, 1980	Memorandum of plaintiff in opposition to respondent's motion for summary judgment, index, table of authorities.
August 22, 1980	Cross-motion for summary judgment heard and taken under advisement. June L. Green, J.

August 26, 1980	Motion by National Republican Senatorial Committee for leave to intervene as party defendant; Affidavit of James F. Schoener in support of motion to intervene; Exhibit.
August 28, 1980	Memorandum Opinion. June L. Green, J.
August 28, 1980	Order denying petition of National Republican Senatorial Committee for leave to intervene. June L. Green, J.
August 28, 1980	Order denying motion of petitioner Democratic Senatorial Committee for summary judgment; granting motion of respondent Federal Election Commission for summary judgment; dismissing action. (CASE CLOSED) Green, J.
August 29, 1980	Memorandum by plaintiff in opposition to motion of NRSC for leave to intervene.
September 3, 1980	Notice of Appeal by plaintiff from order entered 8-28-80; copy sent to Charles N. Steele and Scott E. Thomas.
September 3, 1980	Copies of Notice of Appeal and docket entries transmitted to U.S.C.A. # 80-2074.
September 11, 1980	Copy of Order of U.S.C.A. dated 9-10-80 directing Clerk of U.S.D.C. to certify and transmit record on appeal forthwith. U.S.C.A. # 80-2074.
September 15, 1980	Record on Appeal delivered to U.S.C.A. Receipt acknowledged.
October 10, 1980	Certified copy of Judgment of U.S.C.A. filed 10-9-80 reversing judgment of U.S. District Court; appellee Commission's failure to act is declared to be contrary to law; and said appellee is directed to conform with this decision forthwith, all in accordance with the Opinion of this Court issued herein this date in photocopy form. Attachment.

October 14, 1980	Copy of Order from U.S.C.A. dated 10-11-80 denying intervenor's petition and its application (U.S.C.A. # 80-2074)
October 14, 1980	Copy of Order from U.S.C.A. dated 10-11-80 denying intervenor's suggestion for rehearing *en banc*. (U.S.C.A. # 80-2074).

United States Court of Appeals for the District of Columbia Circuit:

September 4, 1980	Copy of notice of appeal and docket entries from Clerk, District Court.
September 4, 1980	Appellant's motion to shorten time for filing briefs and for expedited consideration.
September 4, 1980	Appellant's motion to expedite consideration of motion to shorten time for filing briefs and for expedited consideration.
September 8, 1980	Appellee's (FEC) response to appellant's motion to shorten time for filing briefs and for expedited consideration.
September 9, 1980	Appellant's brief.
September 9, 1980	Statutory Appendix.
September 9, 1980	Joint Appendix.
September 10, 1980	Per Curiam order that the Clerk of the District Court is directed to certify and transmit the record on appeal forthwith; and that appellee's brief be filed by the close of business 9-24-80. Counsel for appellee are directed to cause personal service of the brief upon counsel for appellant. Appellant's reply brief, if any, shall be filed by the close of business 9-29-80; and that the Clerk is directed to advance this case on the docket of the Court and schedule it ahead of all other actions for argument on the merits in accordance with 2 U.S.C. § 437g(a)(10)(1980); Tamm, MacKinnon and Ginsburg (who did not participate), Circuit Judges.

September 12, 1980	Appellant's motion for reconsideration of 9-10-80 order.
September 15, 1980	Per Curiam order granting appellant's motion for reconsideration of this Court's order of September 10, 1980; and that appellee's brief be filed on 9-22-80; and that the case be set for oral argument on 9-24-80; and reply brief to be filed thereafter; and that the Clerk of the Court immediately draw an emergency division of the Court to hear the case on said 9-24-80; Tamm, MacKinnon and Ginsburg (who did not participate), CJ's.
September 17, 1980	Clerk's order, sua sponte, that oral argument in this case shall take place on September 23, 1980 at 2:30 P.M. instead of September 24, 1980, as originally scheduled. In all other respects, the provisions of this Court's order entered September 15, 1980 remain in full effect.
September 18, 1980	Motion of National Republican Senatorial Committee for leave to intervene.
September 18, 1980	Appellant's opposition to motion of NRSC for leave to intervene.
September 19, 1980	FEC's opposition to motion of NRSC for leave to intervene.
September 22, 1980	Per Curiam order granting motion of National Republican Senatorial Committee for leave to intervene and, sua sponte, following times are allotted for oral argument. Appellant—30 minutes; FEC—20 minutes; NRSC—10 minutes; Intervenor is requested to file a memorandum of not more than 15 pages addressed to statutory issue. The memorandum shall be filed no later than 2:00 P.M. on 9-22-80; Circuit Judges Wright; Wilkey & Ginsburg, CJs.

September 22, 1980	Appellee's brief.
September 23, 1980	Argued before CJ Wright, Wilkey and Ginsburg, CJ's.
September 29, 1980	Appellant's reply brief.
October 9, 1980	Opinion per curiam issued in xerox form today, will be printed at a later date.
October 9, 1980	Dissenting opinion filed by Circuit Judge Wilkey, filed in xerox form.
October 9, 1980	Judgment reversing the judgment of the District Court.
October 9, 1980	Ordered by the Court that the mandate issue forthwith.
October 9, 1980	Copy of opinion, certified copy of judgment and order to issue mandate issued to District Court.
October 10, 1980	Motion of National Republican Senatorial Committee to recall mandate.
October 10, 1980	Petition of National Republican Senatorial Committee for rehearing and suggestion for *rehearing en banc.*
October 11, 1980	Per Curiam order denying intervenor's petition for rehearing and its application to recall mandate; CJ Wright; Wilkey & Ginsburg, CJs.
October 11, 1980	Per Curiam order, *en banc,* that intervenor's suggestion for *rehearing en banc* is denied; CJ Wright; McGowan, Tamm, Robinson, Robb, Wilkey, Wald, Edwards & Ginsburg, CJs (Notations by individual judges as to how they voted may be added later).

October 20, 1980	Certified copy of order from Clerk, Supreme Court in SC No. A-332 dated October 17, 1980; counsel for the Democratic Senatorial Campaign Committee and the Federal Election Commission shall file responses by noon, Tuesday, October 21, 1980 to the application for stay by the National Republican Senatorial Committee; the mandate of this Court is stayed pending receipt of the responses and further order of the Supreme Court.
October 23, 1980	Copy of letter from Clerk, Supreme Court stating that order was entered on October 22, 1980 in SC No. A-332 that "The motion to vacate the temporary stay, heretofore entered by the Chief Justice on 10-17-80 is denied."
October 31, 1980	Certified copy of order from Clerk, Supreme Court in SC No. A-332 dated October 28, 1980: "the motion of October 17, 1980 to vacate the stay entered on October 17, 1980, was presented to full Court on October 21, 1980 and by the full Court was denied; Accordingly, the motion dated October 27, 1980 to expedite consideration of the application for stay is dismissed as moot."
March 4, 1981	Certified copy of order from Clerk, Supreme Court granting petition for writ of certiorari in SC No. 80-939 on 3-2-81.
March 4, 1981	Certified copy of order from Clerk, Supreme Court granting petition for writ of certiorari in SC No. 80-1129 on 3-2-81.

LIST OF RELEVANT DOCUMENTS REPRODUCED IN THE APPENDICES TO THE PETITIONS AND TO THE OPPOSITION, RULE 30.1.

	FEC Pet.	DSCC Opp.	NRSC Pet.
District Court Opinion in C.A. No. 80-1903	App. B at 22	App. B at B1	App. B at B1
District Court Judgment in C.A. No. 80-1903	App. B at 21	App. B at B5	App. B at B5
Court of Appeals Opinion in No. 80-2074	App. C at 26	App. A at A1	App. A at A1
Court of Appeals Judgment in No. 80-2074	App. D at 70	App. D at D1	App. E at E1
Court of Appeals Order to Issue Mandate in No. 80-2074	App. E at 72		
Court of Appeals Order Denying Petition for Rehearing and Application to Recall Mandate	App. F at 73	App. E at E1	App. F at F1
Court of Appeals Order Denying Suggestion for Rehearing *En Banc*	App. G at 74	App. E at E2	App. F at F2
FEC Certification in the Matter of National Republican Senatorial Committee MUR 1234	App. A at 17	App. C at C1	App. C at C1
FEC Certification in the Matter of National Republican Senatorial Committee MUR 780	App. A at 18		
FEC Certification in the Matter of National Republican Senatorial Committee MUR 820 (78)	App. A at 19		
FEC First General Counsel's Report—MUR 1234			App. D at D1
Supreme Court Order in No. A-332 Granting Stay Pending Receipt of Responses	App. H at 76		

SUPREME COURT OF THE UNITED STATES

TUESDAY, OCTOBER 21, 1980

ORDER IN PENDING CASE

No. A-332

NATIONAL REPUBLICAN SENATORIAL COMMITTEE

v.

DEMOCRATIC SENATORIAL CAMPAIGN COMM., ET AL.

The motion to vacate the temporary stay, heretofore entered by the Chief Justice on October 17, 1980, is denied.

SUPREME COURT OF THE UNITED STATES

No.—A-332, October Term, 1980

NATIONAL REPUBLICAN SENATORIAL COMMITTEE,
APPLICANT,

v.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

and

FEDERAL ELECTION COMMISSION

ORDER

The motion of October 17, 1980, to vacate the stay entered by the undersigned on October 17, 1980, was presented to the full Court on October 21, 1980, and by the full Court was denied.

Accordingly, the motion dated October 27, 1980, to expedite consideration of the application for a stay is dismissed as moot.

/s/ Warren E. Burger
WARREN E. BURGER
Chief Justice of the United States

Dated this 28th
day of October, 1980.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1981 344675 310 (1 OF 2)